

1 MICHAEL J. SHEPARD (SBN 91281)
2 *mshepard@kslaw.com*

3 **KING & SPALDING LLP**
4 50 California Street, Suite 3300
5 San Francisco, California 94111
6 Telephone: +1 415 318 1221

7 KERRIE C. DENT (admitted *pro hac vice*)
8 *kdent@kslaw.com*

9 **KING & SPALDING LLP**
10 1700 Pennsylvania Avenue, NW, Suite 900
11 Washington, DC 20006-4707
12 Telephone: +1 202 626 2394

13 CINDY A. DIAMOND (SBN 124995)
14 *cindy@cadiamond.com*

15 **ATTORNEY AT LAW**
16 58 West Portal Ave #350
17 San Francisco, CA 94127
18 Telephone: +1 408 981 6307

19 Attorneys for Defendant
20 ROWLAND MARCUS ANDRADE

21
22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**
24 **SAN FRANCISCO DIVISION**

25 UNITED STATES OF AMERICA,

26 Plaintiff,

27 v.

28 ROWLAND MARCUS ANDRADE,

Defendant.

Case No. 3:2-cr-00249-RS-LBx

**DECLARATION OF KERRIE C. DENT IN
SUPPORT OF DEFENDANT ROWLAND
MARCUS ANDRADE'S REPLY TO
GOVERNMENT'S RESPONSE TO COURT
ORDER**

Judge: Hon. Laurel Beeler
Hearing: December 14, 2023, 9:30 a.m.

1 Kerrie C. Dent, counsel for Defendant Marcus Andrade, states as follows:

2 1. I am one of the lawyers representing Defendant Marcus Andrade in the above-
3 captioned matter. I have personal knowledge of the discovery disputes and related
4 correspondence between the government and defense counsel and, if called as a witness in this
5 matter, could competently testify to the matters stated in this Declaration.
6

7 2. Before filing Mr. Andrade's Supplemental Memorandum on December 3, 2023, I
8 emailed the government four times – on November 2, 9, 22, and 29, 2023 – asking the
9 prosecutors to provide information about whether the government is still in possession of
10 Alexander Levin's devices and to refrain from returning the devices without providing Mr.
11 Andrade with reasonable advance notice to serve a subpoena. I did not receive a response to any
12 of those emails.

13 3. In lieu of producing an image of Levin's phone and an image of Levin's iPad, the
14 government produced four redacted spreadsheets relating to the phone and nothing relating to the
15 iPad. The spreadsheets were missing information relating to the identity of some of the senders
16 and recipients of message as well as the content of some messages. Most of the attachments
17 could not be accessed, and two of the spreadsheets were redacted.
18

19 4. I informed the government – in a November 29 email and in Mr. Andrade's
20 December 3, 2023, supplemental memorandum (Dkt. #248 at 4:15-17) – that when I contacted the
21 lawyer whose name and contact information the government provided me, the lawyer stated that
22 he does not represent Levin. I received no explanation or response from the government.

23 I declare under penalty of perjury that the foregoing is true and correct, and that this
24 declaration was executed on December 11, 2023, in McLean, Virginia.
25

26 /s/ Kerrie C. Dent
27 KERRIE C. DENT
28